



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 2, 2024

BY ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Castellero, et al.*, 23 Cr. 622 (JMF)

Dear Judge Furman:

The parties jointly write regarding the pretrial motions, pretrial conference, and trial schedule in the above-referenced case.

First, counsel for defendant Michael Castellero, who were appointed pursuant to the Criminal Justice Act ("CJA") after the commencement of this case, have only recently been able to access the discovery because of the need to receive Relativity access through the CJA voucher process. In addition, defendants Brian Martinsen and Francine Lanaia also need more time to review the discovery, which review is still ongoing. In light of this and to allow the briefing to proceed on the same schedule as to all defendants, the parties jointly request a 90-day adjournment of the pretrial motion schedule and the pretrial conference currently scheduled for May 24, 2024. This would set the briefing schedule as follows: defense motions due July 17, 2024; Government opposition due August 7, 2024; defense replies due August 14, 2024. The parties jointly request that the May 24 pretrial conference be reset accordingly for September 2024.

Second, the parties understand that the Court had intended to set a trial date at the pretrial conference presently scheduled for May 22, 2024, but which we are requesting take place in September 2024. The undersigned attorney for the Government, who has charge of this case, expects to be out on maternity leave beginning around the time of the scheduled May conference and, as a result of the uncertainty of being available for that conference and to permit the parties to prepare efficiently for trial, respectfully requests that the Court set a trial date in advance of that conference date.

The parties jointly request a trial date for April or May of 2025, subject to the Court's availability. The Government anticipates the trial will last approximately two weeks for its case-in-chief.

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The parties jointly submit that the ends of justice served by scheduling the trial for April or May of 2025 outweigh the best interest of the public and the defendant in a speedy trial. Such a schedule would allow for continuity of Government counsel, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), as Government counsel expects to be on parental leave for most of the second half of 2024 and has another trial previously scheduled for January 28, 2025. Additionally, the schedule would allow defense counsel adequate time to effectively prepare their defenses in a case that involves multiple defendants, complex questions of fact and law, and voluminous discovery materials. *See* 18 U.S.C. § 3161(h)(7)(B)(ii), (iv). Accordingly, the parties request that the Court adjust the briefing schedule and adjourn the pretrial conference as set forth above, schedule trial for April or May of 2025, and exclude time under the Speedy Trial Act through the trial date.

In the event that the Court is not inclined to grant the parties' applications as to the pretrial motions and trial schedule, the parties respectfully request the Court schedule a pretrial conference in April 2024 in order to take up these issues.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

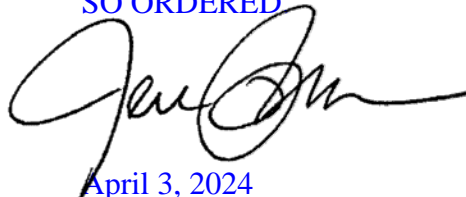
By: /s/
Allison Nichols
Assistant United States Attorney
Southern District of New York
Tel: (212) 637-2366

Cc: Counsel of record
(by ECF)

The parties shall appear for a pretrial conference on April 11, 2024, at 10:30 a.m. to address the request for an extension of the motion deadline and to schedule a firm trial date.

The Clerk of Court is directed to terminate Docket No. 31.

SO ORDERED



April 3, 2024